

97TH CONGRESS
2D SESSION

S. 2488

[Report No. 97-380]

To strengthen and improve the management of civilian personnel within the
Defense Intelligence Agency.

IN THE SENATE OF THE UNITED STATES

MAY 5 (legislative day, APRIL 13), 1982

Mr. WALLOP (for Mr. GOLDWATER), from the Select Committee on Intelligence,
reported the following original bill; which was read twice, considered, read
the third time, and passed

A BILL

To strengthen and improve the management of civilian
personnel within the Defense Intelligence Agency.

- 1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That this Act may be cited as the "Defense Intelligence
4 Agency Personnel Management Improvement Act of 1982".
5 SEC. 2. (a) Chapter 83 of title 10, United States Code,
6 is amended by adding at the end thereof the following new
7 section:

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1 **"§ 1604. Civilian personnel management**

2 “(a) The Secretary of Defense may, without regard to
3 the provisions of title 5 relating to the establishment of (and
4 appointment to) positions in the civil service—

5 “(1) establish such positions for civilian officers
6 and employees in the Defense Intelligence Agency as
7 may be necessary to carry out the function of such
8 Agency, and

9 “(2) appoint individuals to such positions.

10 “(b) The Secretary of Defense shall fix the rates of basic
11 pay for positions established under subsection (a) in relation
12 to the rates of basic pay contained in the General Schedule
13 under section 5332 of title 5 for positions subject to such
14 Schedule which have corresponding levels of duties and re-
15 sponsibilities. Except for positions in the Senior Defense In-
16 telligence Executive Service, no officer or employee of the
17 Defense Intelligence Agency may be paid basic compensation
18 at a rate in excess of the highest rate of basic pay contained
19 in such General Schedule.

20 “(c) The Secretary of Defense is authorized, consistent
21 with section 5341 of title 5, to adopt such provisions of such
22 title as provide for prevailing rate systems of basic pay and to
23 apply such provisions to positions in or under which the De-
24 fense Intelligence agency may employ individuals described
25 by section 5342(a)(A) of such title.

1 “(d) In addition to the basic compensation payable under
2 subsection (b), officers and employees of the Defense Intelli-
3 gence Agency who are citizens or nationals of the United
4 States may be granted compensation, in accordance with reg-
5 ulations prescribed by the Secretary of Defense, not in excess
6 of an allowance authorized to be paid by section 5941(a) of
7 title 5 for employees whose rates of basic pay are fixed by
8 statute.

9 “(e) Nothing in this section or any other law may be
10 construed to require the disclosure of the organization or any
11 function of the Defense Intelligence Agency or of the names,
12 titles, salaries, or number of the persons employed by such
13 Agency, except for information required by the Congress in
14 its consideration of legislation to authorize appropriations or
15 appropriate funds for the Defense Intelligence Agency and
16 except for information required to be disclosed pursuant to
17 section 501 of the National Security Act of 1947.

18 “(f)(1) Notwithstanding any other provision of law, the
19 Secretary of Defense may terminate the employment of any
20 civilian officer or employee of the Defense Intelligence
21 Agency whenever he deems such termination necessary or
22 advisable in the interests of the United States.

23 “(2) Any termination of employment under this subsec-
24 tion shall not affect the right of the officer or employee in-
25 volved to seek or accept employment with any other depart-

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1 ment or agency of the United States if he is declared eligible
2 for such employment by the Office of Personnel Management.

3 “(3) The Secretary of Defense may delegate authority
4 under this subsection only to the Deputy Secretary of De-
5 fense and the Director of the Defense Intelligence Agency.
6 An action to terminate any civilian officer or employee by
7 either such officer shall be appealable to the Secretary of
8 Defense.”.

9 (b) The table of sections at the beginning of chapter 83
10 of title 10, United States Code, is amended by adding after
11 the item relating to section 1603 the following new item:

“1604. Civilian personnel management.”.

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